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CHICAGO OFFICE

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630-434-5493
VIA FACSIMILE

Enza I. Petrarca
Village Attorney
Village of Downers Grove
801 Burlington Ave.
Downers Grove, IL 60515

Re: DuPage Groundwater Site/Connections Due to Contamination

Dear Ms. Petrarca:

This relates to the Water Service Agreement. We have already stated that paragraph 11 should be removed in its entirety. It is against public policy and otherwise illegal as it forces the residents to forego independent rights to recover their damages as a condition to obtaining clean water.

My clients inform me that the polluters may now be seeking to revise paragraph 11, to protect them from certain liability based on a cut-off date relating to the effective date of the Administrative Consent Order. The polluters would employ such language to, among other things, attempt to prevent the residents from suing the polluters for the residents' future water bills. The residents will incur these future water bills for years solely as a result of the polluters' contamination of their wells. Agreeing to cut-off date language would only support the polluters in their attempts to use the Water Service Agreement to avoid full responsibility for their actions.

Once again, I request that you provide to me draft language changes to the Water Service Agreement that you may present to the City Council before the next meeting, so I can submit our views, if necessary. I also request to be part of the negotiation process.

Sincerely,


James D. Brusslan

JDB/lk

EPA Region 5 Records Ctr.



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